Two Procedures Adopted for Disciplinary Action

1119. SHRI SUNIL BASU RAY : Will the PRIME MINISTER be pleased to state :

(a) whether Government's attention has been drawn to Rules 25 and 30-A of the Discipline, Conduct and Appeal Rules, 1978 of IDPL a Public Sector Undertaking and to the fact that both deal with common offences such as unauthorised absence from duty;

(b) whether the employees are given the choice of being dealt with under the less harsh of the two rules as laid down under the Supreme Court in the Civil Appeal No. 103 of 1959 (AIR 1961 SC 1715);

(c) whether the existence of the above two rules simultaneously for the employees does not violate Article 14 of the Constitution in the absence of any explicity formulated criteria for their application; and

(d) whether the Rule 30-A is not infructuous *ab-initio* as no provision has been made simultaneously for appeal against an order from it ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN) : (a) to (d) Rule 25 of the IDPL Conduct, Discipline and Appeal Rules lays down the procedure followed before imposing a major penalty specified in the said rules. Unauthorised absence is one of the misconduct which would render an employee liable to disciplinary action. The Rule 30-A contains a special procedure for certain categories of cases. This rule can be invoked in three specific circumstances (i) when a post held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company; (iii) an employee remains on unauthorised absence for 30 days or more. The Rule also provides for opportunity to the employee to explain his conduct. The expert legal advice obtained by IDPL indicates that the new Rule 30-A is legally valid. There is no appeal against the orders passed under Rule 30-A of IDPL Conduct, Discipline and Appeal Rules, 1978. However general over-riding powers of review under Rule 33 of the said rules would also apply to any order passed under Rule 30-A, review can be suo-moto or on a petition by the aggrieved person.

New Manning Set-up of HFC

1120. SHRI RAMACHANDRAN PILLAI : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that the Board of Directors of Hindustan Fertilizer Corporation in its 115th meeting has approved the new manning set up for the company wherein Fertilizer Promotion and Agricultural Research Division (FP&ARD) has been totally excluded;

(b) if so, whether FP&ARD is going to be eventually wound up;

(c) whether it is a fact that HFC has been referred to BIFR minus FP&ARD; and

(d) if so, whether it has been done at the instance of Government or suo moto by the management of HFC ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN) : (a) The Board of Directors of Hindustan Fertilizer Corporation Ltd. (HFC) have approved a new manning set-up for the company, in which the Marketing and Fertilizer Promotion and Agricultural Research activities, have been merged.

(b) No such decision has so far been taken.

(c) and (d) In terms of Section 15 of the sick Industrial Companies (Special Provisions) Act, 1985, the Hindustan Fertilizer Corporation Ltd. which is a sick company, has made a reference to the Board for Industrial and Financial Reconstruction. The Fertilizer Promotion and Agricultural Research Division is a part of HFC.